

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

United States of America,)	
)	
vs.)	Criminal Case No.: 18-cr-01080-RBH-10
)	
)	ORDER
Terrice Bayshawn Livingston,)	
a/k/a "Biz",)	
)	
Defendant.)	
_____)	

Pending before the court is Defendant Terrice Bayshawn Livingston's [ECF No. 481] motion to revoke pretrial detention order and to place Defendant on bond. Defendant seeks review of the Order of Detention Pending Trial entered by Magistrate Judge Kaymani D. West on December 20, 2018.

A district court reviews a Magistrate Judge's ruling on pretrial detention *de novo*. *United States v. Williams*, 753 F.2d 329, 331 (4th Cir. 1985); *United States v. Stewart*, 19 Fed. Appx.46 (4th Cir. 2001)(citing *United States v. Rueben*, 974 F.2d 580, 585-86 (5th Cir. 1992)).

In accordance with the appropriate standard of review, the court reviewed the transcript of the testimony of the detention hearing proceedings before the Magistrate Judge, as well as the Order of the Magistrate Judge. The court agrees with the findings and conclusions of the Magistrate Judge as set forth in her written Order of Detention. Accordingly, after having conducted a *de novo* review of the record, the court finds that application of the factors set forth in 18 U.S.C. § 3142(g) supports the Magistrate Judge's conclusion that pretrial detention of this defendant is appropriate in this case.

The court hereby adopts and incorporates the findings of the Magistrate Judge and affirms

the Pretrial Detention Order [ECF No. 344]. In addition, no change of circumstances has been alleged to warrant revocation of the detention order. Moreover, this appeal does not appear to be timely. The detention order was entered by the Magistrate Judge on December 20, 2018, and appeal was not taken until January 24, 2019. *See* Fed. R. Crim. P. 59(a)(Fourteen day period to file objections to Magistrate's order on nondispositive motion unless court directs otherwise. "Failure to object in accordance with this rule waives a party's right to review"). Regardless, pretrial detention is appropriate.

For the reasons stated above, Defendant's [ECF No. 481] motion to revoke pretrial detention order and to place Defendant on bond is **DENIED**.

IT IS SO ORDERED.

February 27, 2019
Florence, South Carolina

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge